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9-23-2010

DEPARTMENT OF SAFETY vs. \$ 1,275.00 U.S.  
Currency, Seized from: Terrence Taylor, Date of  
Seizure: 02-23-10, Claimant: Terrence Taylor

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**BEFORE THE COMMISSIONER OF THE  
TENNESSEE DEPARTMENT OF SAFETY**

**IN THE MATTER OF:**

**DEPARTMENT OF SAFETY**

**V.**

**\$ 1,275.00 U.S. Currency  
Seized from: Terrence Taylor  
Date of Seizure: 02-23-10  
Claimant: Terrence Taylor**

**DOCKET NO: 19.01-109675J**

**D.O.S. # K3030**

**INITIAL ORDER OF DEFAULT & DISMISSAL**

This matter came to be heard on September 23, 2010, before Leonard Pogue, Administrative Judge, sitting for the Commissioner of the Tennessee Department of Safety in Memphis, Tennessee. Mr. Andre Thomas, Staff Attorney for the Department of Safety, represented the State. The Claimant, Terrence Taylor, was not present nor was an attorney present on his behalf.

The subject of this hearing was the proposed forfeiture of the subject property. The matter was heard upon the State's Motion to be granted an Initial Default Order due to the Claimant's failure to appear at the hearing after receiving proper notice thereof. After consideration of the record, it is determined that the State's Motion is proper and should be **GRANTED**. It is further **ORDERED** that the subject property should be **FORFEITED** to the seizing agency. This decision is based upon the following Findings of Fact and Conclusions of Law.

### FINDINGS OF FACT

1. The subject property was seized by the Covington Police Department on February 23, 2010.
2. Terrence Taylor claimed an interest in the property but did not appear at the hearing. Notice of the hearing was served on Claimant, via certified mail, on August 20, 2010.
3. The State's witnesses were present and the State was prepared to proceed with the hearing.

### CONCLUSIONS OF LAW

1. Department of Safety Rule 1340-2-2-.17(1) provides in part:
  - (d) No default shall be entered against a claimant for failure to attend except upon proof by the filing of the return receipt card, that the legal division has given notice of the hearing...
  - (e) Upon default by a party, an administrative judge may enter either an Initial Default Order or an Order for an uncontested proceeding...
2. The State having established that the Claimant received notice of the hearing and failed to appear, it is determined that the State has complied with the requirements of the above referenced Rule.
3. Accordingly, it is determined that the State's motion should be **GRANTED** and the Claimant be held in **DEFAULT**. It is further **ORDERED** that the subject property be **FORFEITED** to the seizing agency.

This Initial Order entered this 1st day of October, 2010.

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Leonard Pogue

Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 1st day of October, 2010.

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Thomas Stovall, Director

Administrative Procedures Division